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November 18, 2021

**Louisiana Board of Ethics
617 N 3rd Street
Baton Rouge, LA 70802**

Re: Request for Advisory Opinion

Dear Sir or Madam:

I am writing as City Attorney for the City of New Iberia, on behalf of the City and Mayor Pro Tem Ricky Gonsoulin, to request an advisory opinion on a matter that will come up for City action. I spoke to Gregory Thibodeaux about this matter yesterday. He suggested that I request an opinion and told me that I could submit the request by email to him.

The following is a summary of the facts:

1. Ricky Gonsoulin is the New Iberia City Councilman elected at large and serves as Mayor Pro Tem. He is a voting member of the City Council.
2. Mr. Gonsoulin or members of his immediate family own not less than 45% of Gonsoulin Farms, L.L.C.
3. Gonsoulin Farms, L.L.C. is the lessee under a sugar cane lease of property that includes a tract of land of approximately 11 acres (the "11 acre tract") that is located in Iberia Parish currently outside of the corporate limits of the City of New Iberia.
4. The owners of the 11 acre tract have asked the City to annex the 11 acre tract.
5. The owners of the 11 acre tract have contracted to sell the 11 acre tract for commercial development and the City has been told that sale of the property is contingent on annexation.

6. The prospective purchaser has asked the City to make certain infrastructure improvements to facilitate the development.
7. Annexation of the 11 acre tract and installation of infrastructure by the City will require action by the City and a vote by the City Council.
8. Annexation will not terminate the sugar cane lease but if the property is sold to the prospective purchaser, it will have the option to terminate the lease.
9. The landowner's sugar cane lease with Gonsoulin Farms, L.L.C. provides that if the sugar cane lease is terminated, Gonsoulin Farms, L.L.C. is to be paid the value of sugar cane roots, stubble and other investment in the property.
10. Annexation itself will not result in a zoning change that will terminate farm use. The prospective purchaser has asked that the property be annexed with Zoning Classification C-4, and while sugar cane farming is not a permitted use under Zoning Classification C-4, the City's Zoning Ordinance would allow the farm use to continue as a nonconforming use.
11. Action by the City and the votes of the City Council would not directly terminate the sugar cane lease to Gonsoulin Farms, L.L.C. or prohibit its farming activities, but the parties who would have the right to terminate the lease have requested annexation and installation of infrastructure, which will require action by the City and City Council.
12. If the anticipated closing occurs, the likely result will be that the buyer and/or seller will terminate the Gonsoulin Farms, L.L.C. sugar cane lease on the 11 acre tract.

Mr. Gonsoulin and the City of New Iberia seek this opinion to advise Mr. Gonsoulin concerning actions that he may or may not take under the Louisiana Code of Governmental Ethics. We are not clear as to whether recusal is necessary or sufficient. The undersigned has advised Mr. Gonsoulin that he should not participate in discussions or vote concerning this matter until he has received guidance from the Board of Ethics. Because City and City Council action will be required in the coming months, we are requesting that the Board of Ethics render an opinion on an expedited basis.

By their signatures below, Mayor Freddie DeCourt and Mayor Pro Tem Ricky Gonsoulin indicate their approval of this request.

My understanding is that the Board will meet on January 7 and 8 and that unless we are contacted, we need not appear or present evidence. If you need any additional information or authorization for this request, please contact me.

Sincerely,

SIMON & SIMON

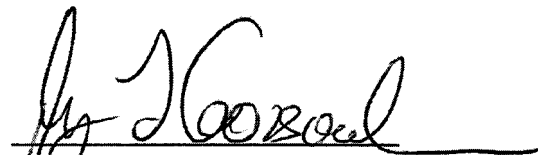


John Jeffrey Simon

JJS/llp



Freddie DeCourt, Mayor
City of New Iberia



Ricky Gonsoulin
Mayor Pro Tem, City of New Iberia